

C. S. S. B. No. 5.

A BILL

To Be Entitled

An Act amending Section 8, of Article 6203 of the Revised Civil Statutes of Texas, for 1925, as amended so as to provide for and regulate applications for parole; amending Section 3, of Article 6203 of the Revised Civil Statutes of Texas, as amended and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 8 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, is hereby amended so as to read as follows:

"Sec. 8. Method of Release.—Application for parole when he shall become eligible may be made to the board by or on behalf of a prisoner, or the board may consider the parole of a prisoner on its own initiative or at the request of the Governor. At the last meeting of the board prior to the expiration of the minimum time of each prisoner eligible for parole, it shall be the duty of the board to cause to be brought before it all information with regard to such prisoner referred to in Section 5. In addition, it shall have before it a report from the warden or manager of each prison or prison farm on which such prisoner has been confined as to the prisoner's conduct in prison, with a detailed statement as to all infractions of prison rules and discipline, all punishments meted out to such prisoner and the circumstances connected therewith, as well as a report from each such official as to the extent to which such prisoner has responded to the efforts made in prison to improve his mental and moral condition. Such board shall also have before it the report of such physical, mental and psychiatric examinations as have been made of such prisoner. No prisoner shall be recommended for release on parole except by a majority vote of the members of the board nor unless the board is satisfied that he will be suitably employed in self sustaining employment if so released."

Sec. 2. Section 3 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, is hereby amended so as to read as follows:

"Sec. 3. Action on Application for Pardon.—When an application for pardon is referred to the board by the Governor, the Secretary of the board shall immediately, by registered mail notify the prosecuting officer, or officers, and the sheriff of the county in which the applicant was convicted, or in which the alleged crime was committed, or both, of the filing of such application and that they or either of them, or any interested party, may within ten days from the receipt of such notice, present in person or in writing to said board their objection, if any, to the granting of such pardon."

Sec. 3. The fact that the present parole law does not adequately provide for the benefit of paroles and pardons to prisoners confined in the penitentiary, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 25, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 11, A bill to be entitled "An Act to create the 113th Judicial District of Texas and to give such court concurrent jurisdiction with the District Court of Gray County, Texas, in and for the 31st Judicial District of Texas, and concurrent jurisdiction with the District Court of Hutchinson and Carson Counties, in and for the 84th Judicial District of Texas, in all civil and criminal cases."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

FOURTH DAY.

Senate Chamber,

Austin, Texas,

February 26, 1930.

The Senate met at 10 o'clock a.

m., pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	

Absent—Excused.

Parr.	Woodul.
Stevenson.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senators Excused.

On motion of Senator Patton, Senator Woodul was excused for the day on account of important business.

On motion of Senator Hornsby, Senator Parr was excused for the day on account of important business.

On motion of Senator Moore, Senator Stevenson was excused for the day on account of important business.

On motion of Senator Small, Senator Woodward was excused for the day on account of important business.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin, Texas, Feb. 26, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 2, requesting an audit of the Texas Penitentiary System.

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, Feb. 26, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 2, A bill to be entitled "An Act amending Article 7066, Revised Civil Statutes, relating to occupation taxes on the production of sulphur, which amendment provided for an occupation tax of one dollar per long ton of all sulphur produced within the State of Texas; providing reports and records; imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; directing the bringing of suit for the recovery of taxes, penalty and interest, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, Feb. 26, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 1, A bill to be entitled "An Act to amend Section 3 of Chapter 212, Acts of Regular Session, Fortieth Legislature, so as to create the Texas Prison Board, composed of three members; providing for the appointment of the members of the board; prescribing certain qualifications of such appointees; fixing the term of office; providing for the filling of vacancies which may occur; abolishing present board of nine members; repealing all laws in con-

flict with this Act, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 4.

Senator McFarlane sent up the following resolution:

Whereas, It is one of the most sacred tenets of the Democratic faith that man cannot serve two masters at one and the same time, and

Whereas, It is commonly believed and talked throughout the State of Texas that many members of the Senate of Texas are representing special interests, or representing interests that are antagonistic to and conflicting with the interest of the mass of the people by whom the members of the Senate are elected, and

Whereas, If such common talk, which is in itself an indictment, is not true, the members of the Senate of Texas are unjustly, unwisely and untruthfully arraigned before the bar of public opinion, and to remain silent and offer no defense, nor denial, is an implied admission that the charges are true, when in fact they are not, and

Whereas, If such charges are true, the people to whom the members of the Senate are accountable, should be apprised of the fact, in order that they may choose to represent them persons who will not be hampered and handicapped in their service to the people by reason of their connection with, or employment by the special interests, corporations, or organizations antagonistic to the welfare of the people, now therefore, be it

Resolved by the Senate of the State of Texas, That the Lieutenant Governor appoint a committee to be composed of five members of the Senate, who shall be authorized and empowered to draft a form of questionnaire, which shall be in such form as will show when answered, the trade, occupation, or profession of the member preparing it, and the name of any person, organization, corporation or association from whom the member has accepted directly or indirectly any salary, expense money, or retainer for their services on a

monthly, yearly or contingent basis, any part of which has been received or accepted since the member took the oath of office and has been a member of the Legislature, and be it further

Resolved That the committee be empowered to compel the attendance of any member whom they desire to question before the committee, but of whom they shall ask only such questions as will elicit the information called for by the questionnaire, herein provided for, and be it further

Resolved That answers to the questions propounded by the committee through its questionnaire, shall be made under oath and signed by the member, and shall be printed in the Journal at the close of this session of the Legislature.

McFARLANE.

The resolution was read.

Senator Moore moved to table the resolution. The motion prevailed by the following vote:

Yeas—14.

Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hyer.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Patton.	Witt.

Nays—12.

Beck.	Hornsby.
Berkeley.	Love.
Cousins.	McFarlane.
Cunningham.	Neal.
DeBerry.	Parrish.
Greer.	Thomason.

Absent—Excused.

Martin.	Woodul.
Parr.	Woodward.
Stevenson.	

H. C. R. No. 2.

The Chair laid before the Senate H. C. R. No. 2, requesting an audit of the Texas Prison System by the State Auditor.

The resolution was read.

Senator Moore moved to print the resolution in the Journal and make it special order tomorrow morning immediately after the morning call.

Senator Holbrook moved to table the motion.

Senator Moore received unanimous consent to withdraw his motion and called for a second reading of the resolution.

The resolution was adopted.

Simple Resolution No. 5.

Senator Hornsby sent up the following resolution:

In the name of the Daughters of the Republic of Texas, the William B. Travis and the Reuben Hornsby Chapters of Austin and Hornsby Bend invite you to attend the celebration of the unveiling of the Declaration of Independence of the Republic of Texas in the rotunda of the capitol on Sunday, March 2, 1930, at 3 o'clock; therefore be it

Resolved by the Senate of Texas that the foregoing invitation is fully appreciated and heartily accepted.

HORNSBY.

Read and adopted.

Simple Resolution No. 6.

Senator Hornsby sent up the following resolution:

On Wednesday, February 26, 1930, the Honorable Harry M. Love, Supreme Keeper of Records and Seals of Minneapolis, Minn., will be in Austin for the purpose of conferring degrees upon a large class of Pages, what will be known as the "Rathbone Bible Class." He will have with him the original Bible which was used by Justus Rathbone, the founder of the order, in instituting the first lodge of the Order Knights of Pythias in Washington, D. C., February 19, 1864.

Members of the Knights of Pythias lodges from all over central Texas will be present at this meeting, and many of these lodges will bring candidates along to be included in this class. The Grand Chancellor of the Domain of Texas will accompany the Honorable Harry M. Love on his visit and will assist in the ceremonies.

Mount Bonnell Lodge No. 34, Knights of Pythias, of Austin, wishes to extend a very cordial invitation to our brother Knights, who are members of the House and Senate, to be present with us on this great occasion and share with us the pleasures

of this memorable event. Therefore be it

Resolved That the Senate of Texas accept the foregoing invitation.

HORNSBY.

Read and adopted.

House Bills Referred.

H. B. No. 2, referred to Committee on State Affairs.

H. B. No. 1, referred to Committee on State Penitentiaries.

Simple Resolution No. 7.

Senator Love sent up the following resolution:

Resolved: That the Attorney General is requested, at his earliest convenience, to advise the Senate whether, in his opinion, any official or agent of the State government may lawfully accept and hold, in escrow or otherwise, any payment of money on account of taxes or any other account made under protest or otherwise, without immediately covering the same in the State Treasury, and, if so, what officials may lawfully do so, and what laws so authorize them.

LOVE.

Read and adopted.

Senate Bill No. 2.

The Chair laid before the Senate the following bill:

By Senator McFarlane:

S. B. No. 2, A bill to be entitled "An Act creating a commission to reorganize and centralize the penitentiary system of the State of Texas; providing for the sale of certain prison property and the location of said centralized plant; providing the necessary powers and authorities and duties of said commission to remodel or construct said system; providing for the manufacturing and supplying the Board of Control merchandise and supplies for the State's use by the prison system; authorizing and directing the Board of Control and the Highway Commission to purchase from the Prison Board certain materials, supplies and labor needed for the State's use; granting the necessary authorities power, privileges to carry into effect requirements of said reorganization of the prison system; and mak-

ing an appropriation to carry out the provisions of the Act, and declaring an emergency."

Recess.

On motion of Senator Witt, the Senate, at 11:50 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m. and was called to order by President Pro Tem Williamson.

Senate Bill No. 2.

The question recurred upon S. B. No. 2.

Senator Wirtz raised the point of order that a quorum was lacking. The roll call showed 20 present, but the quorum was completed a moment later.

Senator Witt moved to substitute S. B. No. 8 for S. B. No. 2 and moved the previous question on the motion.

The previous question was ordered.

The motion to substitute was lost by the following vote:

Yeas—13.

Beck.	Moore.
Gainer.	Neal.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	

Nays—13.

Berkeley.	Miller.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Martin.	Wirtz.
McFarlane.	

Absent.

Small.	Woodul.
Stevenson.	Woodward.

Absent—Excused.

Parr.

Senator Moore moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—7.

Hardin.	Parrish.
Holbrook.	Westbrook.
Hyer.	Williamson.
Moore.	

Nays—18.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Neal.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hornsby.	Wirtz.
Love.	

Absent.

Small.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Parr.

The question recurred on the engrossment of S. B. No. 2.

Senator Wirtz moved the previous question on the engrossment of the bill. The previous question was ordered by the following vote:

Yeas—13.

Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Hornsby.	Small.
Martin.	Westbrook.
McFarlane.	Wirtz.
Miller.	

Nays—12.

Beck.	Love.
Berkeley.	Moore.
Greer.	Neal.
Hardin.	Parrish.
Holbrook.	Thomason.
Hyer.	Witt.

Absent—Excused.

Gainer.	Williamson.
Parr.	Woodul.
Stevenson.	Woodward.

Senator Hornsby moved to reconsider the vote by which the previous question was ordered.

The motion was lost by the following vote:

Yeas—13.

Beck.	Greer.
Gainer.	Hardin.

Holbrook.	Neal.
Hornsby.	Parrish.
Hyer.	Thomason.
Love.	Witt.
Moore.	

Nays—13.

Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Martin.	Westbrook.
McFarlane.	Wirtz.
Miller.	

Absent.

Williamson.	Woodward.
Woodul.	

Absent—Excused.

Parr.	Stevenson.
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Senator Holbrook moved to indefinitely postpone the further consideration of the bill.

Senator Pollard raised the point of order that the motion was out of order because the previous question had been ordered.

The Chair, Senator Hyer, sustained the point of order.

The bill failed to pass to engrossment by the following vote:

Yeas—12.

Berkeley.	Miller.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Martin.	Small.
McFarlane.	Wirtz.

Nays—15.

Beck.	Moore.
Gainer.	Neal.
Greer.	Parrish.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	

Absent—Excused.

Parr.	Woodul.
Stevenson.	Woodward.

Senate Bill No. 8.

Senator Witt inquired if S. B. No. 8 were not the next bill in order. The Chair replied that it was.

Senator Pollard raised the point of order that the motion to substi-

tute S. B. No. 8 for S. B. No. 2 had been lost; therefore, S. B. No. 8 was dead and could not be considered.

Senator Pollard withdrew his point of order.

Senator Greer moved to reconsider the vote by which S. B. No. 2 failed to pass to engrossment.

Senator Witt raised the point of order that the Chair, President Pro Tem Williamson, was in error in that the preceeding presiding officer, Senator Hyer, had agreed that Senator Witt should not be taken off the floor by the point of order.

The Chair overruled the point of order.

Adjournment.

Senator Witt moved that the Senate adjourn until 10 o'clock tomorrow morning. The motion prevailed by the following vote:

Yeas—14.

Beck.	Moore.
Gainer.	Neal.
Hardin.	Parrish.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.

Nays—13.

Berkeley.	Miller.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Greer.	Small.
Martin.	Wirtz.
McFarlane.	

Absent—Excused.

Parr.	Woodul.
Stevenson.	Woodward.

At 5 o'clock the Senate adjourned.

APPENDIX.**Petitions and Memorials.**

(Telegram.)

February 26, 1930.

Wichita Falls, Texas.

Barry Miller, Lieutenant Governor,
Capitol Station, Austin, Texas.

Members of board of First District
Texas Federation of Women's Clubs
representing fourteen counties rati-

fled the action of the Mineral Wells convention endorsing majority plan of prison relocating committee and ask the support of the Senators and Representatives from this district.

Executive Board First District
Texas Federation Women's Clubs.

(Telegram.)

Dallas, Texas, Feb. 26, 1930.
Thos. B. Love, Austin, Texas.

Oppose vigorously unjust discriminating burdensome House Bill No. 18.

WEST PARK PHARMACY,
B. B. BROWN.

(Telegram.)

Shiner, Texas, Feb. 26, 1930.
Hon. Gus Russek, Austin, Texas.

Please assist to defeat House Bill 18 introduced by Representative Harper.

KUHN'S DRUG STORE.

(Telegram.)

Cisco, Texas, Feb. 25, 1930.
House of the Senate, Austin, Texas.

May we urge you to help beat the nuisance tax bill number 18 now up in the House of Representatives? This is unjust and discriminatory to the trade. We are for the schools and it is not the tax but the method in which it is to be handled.

Yours very truly,

C. W. LOWERY,
Red Front Drug Store.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 25, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 26, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 14, A bill to be entitled
"An Act amending certain sections

of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and repealing Sections 2 and 15 of said Chapter 282 so as to better provide for the disposition of oil and gas in University lands; providing better means and regulations to accomplish said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 26, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 13, A bill to be entitled
"An Act conferring upon the Board of Regents of the University of Texas authority heretofore vesting in the Board for Lease of University Lands under Section 2 and 15 of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and also conferring on said Board of Regents certain authority in connection with employing help needed in connection with matters covered by said Chapter 282 and under this Act; making an appropriation of certain moneys to be used in performance of duties under this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

FIFTH DAY.

Senate Chamber,
Austin, Texas,
February 27, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Cousins.
Berkeley.	Cunningham.